



**AMENDED**

**PLANNING DIRECTOR'S HEARING AGENDA**

**Wednesday, January 9, 2008**

**9:00 a.m.**

**City Council Chambers  
City Hall**

**200 East Santa Clara Street  
San José, California 95113-1905**

**Hearing Officers**

**Jean Hamilton, AICP, Principal Planner**

**Susan Walton, Principal Planner**

**Joseph Horwedel, Director  
Planning, Building, and Code Enforcement**

## **NOTE**

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## **NOTICE TO THE PUBLIC**

Good morning, this is the Planning Director's Hearing of **January 9, 2008**. My name is \_\_\_\_\_ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- I will identify the project as described on the agenda
- Staff will provide a brief report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The public hearing will then be closed and I will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed.** The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Maria Rodriguez (maria.rodriguez@sanjoseca.gov).

**AGENDA**  
**ORDER OF BUSINESS**

**1. DEFERRALS**

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

**The matter of deferrals is now closed.**

**2. CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the staff, or the public to have an item removed from the consent calendar and considered separately.

- a. **H06-017**. A Site Development Permit for the construction of a landfill gas cutoff wall and vent trench around the former Martin Park Landfill; and the development of public parkland with a soccer field, group picnic area, on an approximately 4.7-gross-acre site located in the LI Light Industrial Zoning District on the north side of Forestdale Avenue and Melbourne Blvd (City Of San Jose, Owner; KB Home, Developer).  
Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration.  
*Project Manager, Michelle Stahlhut*
- b. **TR07-350**. Tree removal permit for a tree (unknown species) 67" in circumference that has been over pruned in the backyard of a single family detached residential lot in the R-1-8 Single-Family Residence Zoning District located at 949 Terra Bella Avenue (Furderer, Jan L. Trustee & Et Al, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Edward Schreiner*
- c. **TR07-354**. Tree removal permit for three live Pine trees measuring 60, 60, and 108 inches in circumference in the R-1-8(CL) Cluster Zoning District, located at 121 Meadwell Court (Beriault Charles D And Jill A, Owner). Council District 2. CEQA: Exempt.  
*Project Manager, Edward Schreiner*
- d. **TR07-333**. Tree Removal Permit for the removal of tree of unknown species 72 inches in circumference from the rear yard of a single family residence in the R-1-8 Single-Family Residence Zoning District, located at 5639 Goldfield Drive (Pham Michael Thai And Sylvia Diep, Owner). Council District 2. CEQA: Exempt.  
*Project Manager, Edward Schreiner*
- e. **TR07-360**. Tree removal for one live Magnolia tree measuring 64 inches in circumference located in the front yard of a home in the R-1-8 Single-Family Residence Zoning District, located at 1570 McCregor Way (Ma Qingming, Owner). Council District 1. CEQA: Exempt.  
*Project Manager, Edward Schreiner*

- f. **TR07-326**. Tree removal permit for a Live Eucalyptus, of approximately 66 inches in circumference located on a 0.14 gross acre site located in the R-1-8 Single-Family Residence Zoning District, located on the west side of South 15th Street, approximately 100 feet north of East San Carlos Street. (285 S 15<sup>th</sup> Street) (Gerald R. and Theresa V. Pittman, Owner). Council District 3. CEQA: Exempt.  
*Project Manager, Rachel Roberts*
- g. **TR07-341**. Tree Removal Permit for one live Ash tree, measuring 120 inches in circumference, located in the rear yard of a Single Family Residence in the R-1-8 Residential Zoning District. in the R-1-8 Single-Family Residence Zoning District, located at/on the 2122 Harmil Way (Muller Thomas M, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Martina Davis*
- h. **TR07-348**. Live Tree Removal Permit for the removal of a pine tree, 73 inches circumference, from the front yard of a single family residence located in the R-1-8 Zoning District. in the R-1-8 Single-Family Residence Zoning District, located at 1691 Melody Lane (Hoang Thuy, Owner). Council District 3. CEQA: Exempt.  
*Project Manager, Martina Davis*
- i. **PDA83-056-01**. Tree removal permit for one live Coast Live Oak (*Quercus agrifolia*) measuring 26 inches in diameter located in the common area of a multi-family residential project. in the A(PD) Planned Development Zoning District, located at the southeast corner of Saddlebrook Drive and Eagle Rock Avenue (4860 INDIAN RIVER CT). Council District 2. CEQA: Exempt.  
*Project Manager, Martina Davis*
- j. **TR07-372**. Live Tree Removal Permit for the removal of one (1) Pine tree, approximately 107 inches in circumference, from the rear yard of a single-family residence on a 0.22 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 6711 Elwood Road (Frederick A. and Susan L. Morrison, Owner). Council District 10. CEQA: Exempt.  
*Project Manager, Rachel Roberts*
- k. **PDA84-069-02**. Live Tree Removal Permit to remove 2 live eucalyptus trees on a church property located in the A(PD) Zoning District. in the A(PD) Planned Development Zoning District, located on the North side of Hillsdale Avenue, approximately 120 feet easterly of Mountain Springs Drive (545 HILLSDALE AV) (Hillsdale Evangelical Free Church, Owner). Council District 7. CEQA: Exempt.  
*Project Manager, Martina Davis*
- l. **H07-048**. Tree removal permit to remove two (2) Eucalyptus Trees, 98" and 107" in circumference, and one (1) Monterey Pine Tree, 123" in circumference, from a property located in the R-M Zoning District, located on the north side of Canoas Garden Avenue, area surrounded by Almaden Road and Clara Filice Way. (2118 Canoas Garden Avenue) (Willow Glen West Associates Ltd, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Suparna Saha*
- m. **TR07-353**. Tree removal permit request for one live Evergreen Ash tree measuring 120 inches in circumference on a property located at 1720 Papyrus Lane, within an A(PD) Planned Development Zoning District (Lee and Joanne Shombert, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Allen Tai*

- n. [TR07-327](#). Tree removal permit request for a Ginkgo tree located in the front yard of a residence located on a 0.13 gross acre site in the R-1-8 Single-Family Residence at 1645 Collingwood Avenue) (Richard G./Donna M. Page and Tom Clark, Owners). Council District 6. CEQA: Exempt.  
*Project Manager, Sanhita Mallick*
- o. [TR07-375](#). Tree removal permit to legalize the prior removal of two Coast Redwood trees measuring 78-inches and 87-inches in circumference without benefit of permit by the prior owner on a .33 gross acre site in the R-1-8 Single-Family Residence Zoning District located at 67 Norton Avenue (Curt Hansen, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Sanhita Mallick*
- p. [HA05-014-03](#) Tree Removal Permit request to remove four Liquid Amber trees, 54 to 84 inches in circumference, from the landscaped area of an existing commercial office complex (Park Center Plaza) in the DC Downtown Commercial Core Zoning District, located on the northeast corner of Park Avenue and Almaden Blvd (CD PARK CENTER INVESTORS, LLC, Owner). Council District 3. CEQA: Exempt.  
*Project Manager, Ella Samonsky*
- q. [PDA91-006-79](#). Planned Development Permit to construct one single-family residence on a 1.43 gross acres lot in the A(PD) Planned Development Zoning District, located at/on the southern terminus of Hollow Lake Way (8701 TRACT) (Raman Patel, Owner). Council District 10. SNI: None. CEQA: Use of Country View Estates Final EIR. Deferred from December 19, 2007.  
*Project Manager, Michelle Stahlhut*
- r. [TR07-364](#). Tree Removal Permit request to remove one Bradford pear tree, approximately 73 inches in circumference, from the front yard of an existing single-family residence in the A(PD) Planned Development Zoning District, located at/on the 2970 Crater Lane (Vyas, Sumeet And Meghana, OwnerS). Council District 4. SNI: None. CEQA: Exempt.  
*Project Manager, Ella Samonsky*

The consent calendar is now closed.

### 3. PUBLIC HEARING

- a. [TR06-179](#). Denial of Tree Removal Permit for removal of two Pine trees, measuring approximately 80 inches in circumference, from the front yard of a single-family residence in the R-M Multiple Residence Zoning District, located at 567 South 8th Street (567 S 8TH ST) (Chiou Kuen-Yuan And Lin Bang-Ju, Chiou Kuen-Yuan And Lin Bang-Ju, Owner). Council District 3. CEQA: Exempt.  
*Project Manager, Licinia McMorro*
- b. [V07-014](#). Fence Variance Permit to allow increased fence height from 3 feet to 6 feet, at 20 feet from the front property line (from Mazzaglia Ave.), on the front setback on a 0.25 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1223 Mayette Avenue (Khiem and Ami Ngo, Owners). Council District: 6. SNI: None. CEQA: Exempt.  
*Project Manager, Avril Baty*

This concludes the Planning Director's Hearing for January 9, 2008. Thank you.

**PLANNING DIRECTOR'S AGENDA ON THE WEB:**

<http://www.sanjoseca.gov/planning/hearings/default.asp>

**PUBLIC INFORMATION COUNTER**

(408) 535-7800 CITY OF SAN JOSÉ

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.

- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

### **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

- 3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
  - a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.